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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS, GEORGIA

DEBBIE EMBERTON

Plaintiff,

v.

THE CBE GROUP, INC.

Defendant.

CIVIL ACTION

FILE NO. 4-10-cv-132 (C00)

**NATURE OF ACTION**

1. This is an action brought under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

**JURISDICTION AND VENUE**

2. This Court has jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where the acts and transactions giving rise to Plaintiff's action occurred in this district, (where Plaintiff resides in this district), and/or where Defendant transacts business in this district.

## **PARTIES**

4. Plaintiff, Debbie Emberton ("Plaintiff"), is a natural person who at all relevant times resided in the State of Georgia, County of Muscogee, and City of Upatoi.

5. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3).

6. Defendant, The CBE Group, Inc. ("Defendant") is an entity who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a "debt" from Plaintiff, as defined by 15 U.S.C. §1692a(5).

7. Defendant is a "debt collector" as defined by 15 U.S.C. § 1692a(6).

## **FACTUAL ALLEGATIONS**

8. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than Defendant.

9. Plaintiff's obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant, arises from a transaction in which the money, property, insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes. Plaintiff incurred the obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant.

10. Defendant uses instrumentalities of interstate commerce or the mails

in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another.

11. During the course of the past year preceding the initiation of this claim, Defendant did contact multiple third parties in connection with their collection efforts against Plaintiff, at which time Defendant repeatedly disclosed, through automated messages and live callers, its identity to each individual without such information being expressly requested (§ 1692b(1) & § 1692c(b)).

12. During the course of the past year preceding the initiation of this claim, Defendant did contact multiple third parties in connection with their collection efforts against Plaintiff, at which time Defendant repeatedly disclosed, through automated messages and live callers, the existence of the debt allegedly owed by Plaintiff (§ 1692b(2) & § 1692c(b)).

13. During the course of the past year preceding the initiation of this claim, Defendant did contact multiple third parties more than once in connection with their collection efforts against Plaintiff after being informed that Plaintiff could not be reached at the contact information being used by Defendant (§ 1692b(3) & § 1692c(b)).

14. Defendant's actions constitute conduct highly offensive to a

reasonable person.

### **COUNT I**

15. Plaintiff repeats and re-alleges each and every allegation contained above.

16. Defendant violated the FDCPA as detailed above.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated the FDCPA;
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k, in the amount of \$1,000.00;
- c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
- d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- f) Awarding such other and further relief as the Court may deem just and proper.

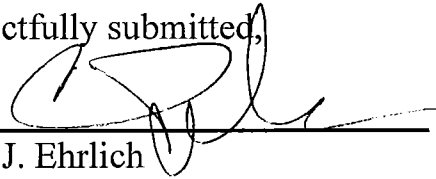
**TRIAL BY JURY**

17. Plaintiff is entitled to and hereby demands a trial by jury.

This 2<sup>nd</sup> day of December, 2010.

ATTORNEYS FOR PLAINTFF  
DEBBIE EMBERTON

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig J. Ehrlich', is written over a horizontal line.

Craig J. Ehrlich  
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